



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 18, 1996

Mr. Leonard Peck  
Assistant General Counsel  
Legal Affairs Division  
Texas Department of Criminal Justice  
P.O. Box 99  
Huntsville, Texas 77342-0099

OR96-2140

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33708.

The Texas Department of Criminal Justice received a request for information pertaining to an assault against an inmate by another inmate. The requestor is an attorney representing the victim's mother. You contend that the information is excepted from disclosure under sections 552.101, 552.107 and 552.108 of the Government Code. We have considered your arguments and have reviewed the records at issue.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution."<sup>1</sup> Gov't Code § 552.108; see *Holmes v. Morales*, 924 S.W. 2d 920 (1996). We conclude that the department may withhold the requested records in their entirety pursuant to section 552.108.<sup>2</sup>

We are resolving this matter with an informal letter ruling rather than with a published

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<sup>1</sup>The Texas Department of Criminal Justice is a law enforcement agency for purposes of section 552.108. Attorney General Opinion MW-381 (1981) at 3 (interpreting predecessor statute).

<sup>2</sup>As we resolve this matter under section 552.108, we need not address the other exceptions you have raised.

open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref.: ID# 33708

Enclosures: Submitted documents

cc: Mr. D. Brooks Cofer, Jr.  
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P.O. Box 3520  
Bryan, Texas 77605-3520  
(w/o enclosures)